

REMARKS/ARGUMENTS

Applicant acknowledges and appreciates the Examiner's finding that claims 1-16 and 44-68 are allowable as written over the prior art of record. Applicant therefore does not address these claims in the present response to the Examiner's August 22, 2003 office action.

For prosecutorial expediency, Applicant has elected to distinguish over Fawley (U.S. Publication No. 2002/0095905), as opposed to antedate it. Applicant's provision of the distinguishing reasoning should not be construed as Applicant's agreement with Fawley as an eligible prior art reference. Applicant hereby explicitly reserves the right to challenge Fawley's eligibility as a prior art reference.

Claim Rejections

35 U.S.C. §102 Rejections

1. Claims 17, 18, 21-23 and 27

The Examiner rejected independent claim 17 and dependent claims 18, 21-23 and 27 under 35 U.S.C. §102(e) as being anticipated by Fawley (U.S. Publication No. 2002/0095905). Fawley is directed to wrapping wood utility poles with a composite material. Fawley does not teach or disclose, however, a pole/piling having a composite wrapping where the composite wrapping applies a radial compressive force upon the pole/piling. Fawley merely teaches increasing stiffness and flexural strength by adding more layers of reinforcement material. See pg. 4, ¶ 40. Therefore, claim 17, and claims 18, 21-23 and 27, which depend from claim 1 are patentable over Fawley.

2. Claims 29-33, 36-39 and 42

The Examiner rejected independent claim 29 and dependent claims 30-33, 36-39 and 42 as also being anticipated by Fawley. As amended, claim 29 is believed allowable, as Fawley does not teach or disclose the composite wrapping applying a radial compressive force. As claims 30-33, 36-39 and 42 depend on claim 29, they are also allowable.

35 U.S.C. §103 Rejections

1. Claims 19, 20, 24, 25, 34, 35 and 40

The Examiner rejected claims 19, 20, 24, 25, 34, 35 and 40 as being unpatentable over Fawley in view of Owens et al. (U.S. Patent No. 5,175,973). The examiner relies on Fawley for the same teachings as it did for claims 17, 18, 21-23, 27, 29-33, 36-39 and 42. To the extent that Owens nor Fawley do not teach application of a radial compressive force between the composite wrapping and the pole/piling, Applicant believes that Fawley, even in view of Owens, does not teach each and every element of the claims. Applicant therefore respectfully requests that claims 19, 20, 24, 25, which depend from independent claim 17, and 34, 35 and 40, which depend on independent claim 29, be allowed.

2. Claims 28 and 43

The Examiner rejected claims 28 and 43 as being unpatentable over Fawley as modified by Owens, and in further view of Williams et al. (S 5,516,236). As claim 28 depends on independent claim 17 and claim 43 depends on independent claim

29, both of which are allowable over Fawley, claims 28 and 43 should likewise be allowed.

CONCLUSION

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Date: 2/23/04

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

by:


Christopher J. Lewis

Reg. No.: 51,246

Schwabe, Williamson & Wyatt, P.C.

Pacwest Center, Suites 1600-1900

1211 SW Fifth Avenue

Portland, Oregon 97222

Telephone: 503-222-9981